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Page 1 of 7

Urgent

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Date: 10-Mar-06

To:
Examiner: Cuong T. Thai
USPTO

Fax:
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Art Unit:
2172

From:
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M/S:

Filed: 3/22/2001

Docket No. 42390P10819

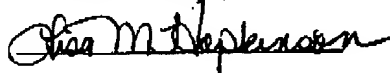
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Date: March 10, 2006



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Reply Brief (5 pages)

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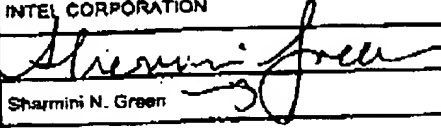
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Application Number	09/015,439
Filing Date	3/22/2001
First Named Inventor	Steven M. Bennett
Art Unit	2172
Examiner Name	THAI, Cuong T
Attorney Docket Number	42390P10819

ENCLOSURES (Check all that apply)

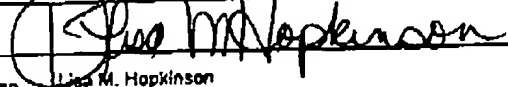
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Date of Transmission: 3-10-2006 By: Lisa M. Hopkinson
Lisa Hopkinson

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Steven M. Bennett

Atty. Docket No: 42390.P10819

App. Serial. No.: 09/815,439

Group Art Unit: 2172

Filed: March 22, 2001

Examiner: Thai, Cuong T.

Title: UPDATING USER INTERFACES BASED UPON USER INPUTS

REPLY BRIEF

Dear Sir:

Pursuant to 37 C.F.R. § 41.41, Appellant submits this Reply Brief, in response to the Examiner's Answer mailed January 12, 2006. All arguments in Appellant's Appeal Brief, filed October 24, 2005 (hereafter "Appeal Brief"), are herein incorporated into this Reply Brief.

RESPONSE TO EXAMINER'S ANSWER

Claims 1, 15 and 24

In numbered paragraph 10 on Page 18, the Examiner discusses whether Herz and Kiger are analogous areas of art and whether Herz and Kiger were appropriately combined. The Examiner adds no new substance to his previous argument and essentially repeats the same arguments previously provided in the Final Office Action

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dated May 25, 2005. Appellant respectfully reiterates the position that since the presently claimed invention is directed to a *graphical* user interface, anything taught in Kiger is simply not applicable to the present invention and cannot be combined with Herz in the manner suggested by the Examiner. Kiger describes a "menu-driven information retrieval system" and upon further consideration of the description in Kiger, these "menu-driven" aspects of Kiger do not remotely resemble "menus" within graphical user interfaces as understood by those of ordinary skill in the art (e.g., the interface in Herz). The term "menu-driver interface" is used in Kiger to refer to a fixed tree structure used to construct a database (See e.g., Kiger, p203). There is no description, suggestion or teaching of how to generate any type of menu or how to incorporate anything taught in Kiger with Herz, to remotely teach or suggest the element of "sub-items representing at least one of a depth information and a breadth information relating to the item".

Appellant therefore maintains that the references are in non-analogous areas of art and were inappropriately combined, as discussed in further detail in the originally submitted Appeal Brief.

With respect to the Examiner's substantive responses, the Examiner once again adds very little new substance to his previous argument and essentially repeats the same arguments presented in the Final Office Action dated May 25, 2005. In the Examiner's only attempt to truly address Appellant's arguments, the Examiner states that "The Appellant's arguments are focused on the limitations regarding automatically retrieving sub-items based on depth and breadth information". The Examiner essentially explains that the claims are being given their broadest reasonable interpretation in light of the

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supporting disclosure. As such, the Examiner goes on to explain how various sections of Herz and Kiger allegedly teach many elements of the independent claims. Appellant once again disagrees with the Examiner's interpretation of the claims and the references.

Appellant respectfully submits that regardless of how broadly the terms "depth" and "breadth" are interpreted, the combination of Herz and Kiger does not, and cannot, teach the claimed invention. As previously discussed in the Appeal Brief, the Examiner concedes that Herz does not disclose the limitation of sub-items representing at least one of a depth information and a breadth information relating to the item. The crux of the argument, therefore, is whether Kiger teaches this element and/or whether Kiger can be combined with Herz in the manner claimed. In support of the contention that Kiger teaches this element, the Examiner states that Kiger teaches "as the technique of paper reports the results of an experiment investigating human performance and preference trade-offs that accompany systematic manipulation of breadth and depth of tree structures in a menu-driven information retrieval system, similar to the grouping methods of Herz."

Appellant respectfully submits that Appellant is at a complete loss as to the Examiner's statement. Appellant fails to understand what the "technique of paper" in Kiger is, and/or how this can teach or suggest any element of the claimed invention. Instead, Appellant is once again forced to rely on Appellant's own reading and interpretation of Kiger, which describes a "menu-driven information retrieval system" which is a fixed tree structure used to construct a database (See e.g., Kiger, p203). The "menus" in Kiger thus do not remotely resemble "menus" within graphical user interfaces as understood by those of ordinary skill in the art (e.g., the interface in Herz). There is no

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description, suggestion or teaching of how to generate any type of menu or how to incorporate anything taught in Kiger with Herz, to remotely teach or suggest the element of “sub-items representing at least one of a depth information and a breadth information relating to the item”.

Appellant thus respectfully reiterates that regardless of how broadly the terms “depth information” and “breadth information” are interpreted, Kiger simply does not, and in fact cannot, be applicable to the presently claimed invention. As described in the Specification, the tailoring or catering of the information can be done in both breadth and depth. Breadth of information refers to the number of items presented and the depth of information refers to the number of sub-items presented for each item. (Specification, Page 4, lines 14-19). Kiger simply does not teach or suggest depth and breadth information as claimed herein.

Appellant therefore respectfully maintains that Herz and Kiger, alone or in combination, do not teach or suggest at least this element of Appellant’s claimed invention. Appellant therefore respectfully submits that Claims 1, 15 and 24 are patentable over these references.

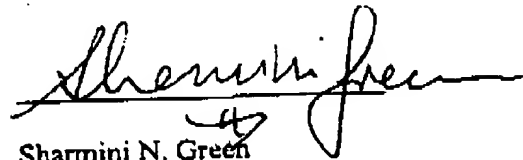
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CONCLUSION

It is respectfully submitted that in view of the foregoing, all of the pending claims are patentable over the cited prior art references, alone or in any combination, and the Board is respectfully requested to overturn the rejections of record and allow this application to issue.

Respectfully submitted,



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